UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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COURTNEY STANIFORD & GREGORY LLP
P.O. BOX 9686
SAN JOSE, CA 95157

EXAMINER
AHLUWALIA, NAVNEET K

ART UNIT	PAPER NUMBER
2166	

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/616,615	REN ET AL.
	Examiner	Art Unit	
	Navneet K. Ahluwalia	2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 March 2006*.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This communication is in response to the Amendment filed March 21, 2006.

Response to Arguments

2.   Claims 1 – 12 are pending in this Office Action. After a further search and a
thorough examination of the present application, claims 1 – 12 remain rejected. The
rejection under 35 U.S.C. §101 to claims 8 – 9 and 12 are withdrawn in view of the
amendment.

3.   Applicant's arguments filed with respect to claims 1 – 12 have been fully
considered but they are not persuasive.

      ***First**, Applicant argues on Page 7 of 11 that there is no teaching in Multer of a
difference engine for generating a modified version of the original version of an
electronic file using information of a first type of difference as required by claim 1.*

      *In response to Applicant's argument, the Examiner submits that Multer teaches
the difference engine for generating a modified version of the original version of an
electronic file using information of a first type of difference. Multer teaches the system
including a difference engine receiving difference information associated with a change
to at least one application data destination and applying the said difference information
to the said destination. The application of the difference information would be the same
as generating a modified version using the difference information (see column 3 lines 26
– 32, Multer). Also Multer teaches that the difference engine comprising a data store*

reflecting application data at a state prior t the receipt of said difference information and a delta engine receiving difference information and comparing difference information to said data store to construct change information. Furthermore it teaches that the difference information may comprise a data file containing change transactions, which is combined with the data in the data store (see column 3 lines 33 – 40, Multer).

Second, Applicant argues Page 8 of 11 that Multer fails to teach a difference engine for generating encoded differences between the modified version and the new version of an electronic file as required by claim 1.

In response to Applicant's argument, the Examiner submits that Multer teaches the generation of encoded differences between the modified version and the new version of an electronic file. Multer teaches the differencing transmitter extracting information from a structure A and converting the information extracted into difference information 'delta'. Difference information 'delta' comprises only the changes to structure B that have occurred on it and instructions for implementing those changes. Also the difference information 'delta' comprises only of the differences in the file and where the differences occur (see column 5 lines 56 – 67, Multer). Furthermore the difference information 'delta' received by the differencing receiver at structure B is reconstructed at the structure and the changes reflected are updated on the structure (see column 6 lines 1 – 5, Multer).

Third, Applicant argues on Page 9 of 11 that there is no teaching in Multer of a difference engine for generating a modified version of the original version of an electronic file using information of a first type of difference as required by claim 6.

In response to Applicant's argument, the Examiner submits that Multer teaches the difference engine for generating a modified version of the original version of an electronic file using information of a first type of difference. Multer teaches the system including a difference engine receiving difference information associated with a change to at least one application data destination and applying the said difference information to the said destination. The application of the difference information would be the same as generating a modified version using the difference information (see column 3 lines 26 – 32, Multer). Also Multer teaches that the difference engine comprising a data store reflecting application data at a state prior t the receipt of said difference information and a delta engine receiving difference information and comparing difference information to said data store to construct change information. Furthermore it teaches that the difference information may comprise a data file containing change transactions, which is combined with the data in the data store (see column 3 lines 33 – 40, Multer).

Fourth, Applicant argues Page 9 of 11 that Multer fails to teach a difference engine for generating encoded differences between the modified version and the new version of an electronic file as required by claim 6.

In response to Applicant's argument, the Examiner submits that Multer teaches the generation of encoded differences between the modified version and the new

version of an electronic file. Multer teaches the differencing transmitter extracting

information from a structure A and converting the information extracted into difference

information 'delta'. Difference information 'delta' comprises only the changes to

structure B that have occurred on it and instructions for implementing those changes.

Also the difference information 'delta' comprises only of the differences in the file and

where the differences occur (see column 5 lines 56 – 67, Multer). Furthermore the

difference information 'delta' received by the differencing receiver at structure B is

reconstructed at the structure and the changes reflected are updated on the structure

(see column 6 lines 1 – 5, Multer).

Fifth, *Applicant argues on Page 10 of 11 that there is no teaching in Multer of a*

difference engine for generating a modified version of the original version of an

electronic file using information of a first type of difference as required by claims 8, 10

and 12.

In response to Applicant's argument, the Examiner submits that Multer teaches

the difference engine for generating a modified version of the original version of an

electronic file using information of a first type of difference. Multer teaches the system

including a difference engine receiving difference information associated with a change

to at least one application data destination and applying the said difference information

to the said destination. The application of the difference information would be the same

as generating a modified version using the difference information (see column 3 lines 26

– 32, Multer). Also Multer teaches that the difference engine comprising a data store

reflecting application data at a state prior t the receipt of said difference information and

a delta engine receiving difference information and comparing difference information to

said data store to construct change information. Furthermore it teaches that the

difference information may comprise a data file containing change transactions, which is

combined with the data in the data store (see column 3 lines 33 – 40, Multer).

Sixth, Applicant argues Page 8 of 11 that Multer fails to teach a difference

engine for generating encoded differences between the modified version and the new

version of an electronic file as required by claims 8, 10 and 12.

In response to Applicant's argument, the Examiner submits that Multer teaches

the generation of encoded differences between the modified version and the new

version of an electronic file. Multer teaches the differencing transmitter extracting

information from a structure A and converting the information extracted into difference

information 'delta'. Difference information 'delta' comprises only the changes to

structure B that have occurred on it and instructions for implementing those changes.

Also the difference information 'delta' comprises only of the differences in the file and

where the differences occur (see column 5 lines 56 – 67, Multer). Furthermore the

difference information 'delta' received by the differencing receiver at structure B is

reconstructed at the structure and the changes reflected are updated on the structure

(see column 6 lines 1 – 5, Multer).

Hence, Applicant's arguments do not distinguish the claimed invention over the prior art

of record. In light of the foregoing arguments, the 102 rejections are sustained.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 1 - 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Multer

et al. ('Multer' herein after) (US 6,694,336 B1).

With respect to claim 1,

Multer discloses a system for updating electronic files of remote devices (Figure

9B), comprising: a first device including a file differencing engine that generates

differences between an original version and a new version of an electronic file (Figure 6

and column 7 lines 29 – 44, Multer) by: identifying a first type of difference between the

original and the new versions (column 4 lines 5 – 8, Multer); generating a modified

version of the original version using information of the first type of difference (column 3

lines 26 – 32 and column 4 lines 13 – 18, Multer); generating encoded differences

between the modified version and the new version, wherein the encoded differences

include a second type of difference between the original and the new versions (column

4 lines 17 – 19 and column 5 lines 56 – 67, Multer); encoding the information of the first

type of difference (column 14 lines 9 – 26, Multer); generating a difference file including

the encoded differences and the encoded information of the first type of difference

(column 39 lines 29 – 65, Multer); and a file updating engine hosted on the remote

device, the file updating engine generating a copy of the new version using the

difference file (column 4 lines 5 – 13, Multer).

With respect to claim 2,

Multer discloses the system of claim 1, wherein generating a copy of the new

version using the difference file further comprises: receiving the difference file (column 4

lines 8 – 9, Multer); reading the encoded information of the first type of difference

(column 4 lines 9 – 10, Multer); generating a modified version of the original file using

the encoded information of the first type of difference (column 4 lines 11 – 12, Multer);

and generating a copy of the new file using the modified version of the original file and

the encoded differences between the modified version and the new file (column 14 lines

9 – 20, Multer).

With respect to claim 3,

Multer discloses the system of claim 1, wherein the first type of difference

includes at least one of differences resulting from address shifts due to source code line

deletions, differences resulting from address shifts due to source code line additions,

differences resulting from address shifts due to source code line modifications,

differences resulting from address shifts due to code block swapping, and differences

resulting from compiling/linking the new version (column 39 lines 29 – 43, Multer).

With respect to claim 4,

Multer discloses the system of claim 1, wherein the second type of difference

includes at least one of differences resulting from source code line deletions,

differences resulting from source code line additions, differences resulting from source

code line modifications, differences resulting from data initialization changes,

differences resulting from resource file changes, differences resulting from configuration

file changes, and differences resulting from dictionary changes (column 39 lines 29 – 43

and 59 – 67, Multer).

With respect to claim 5,

Multer discloses the system of claim 1, wherein the remote device includes at

least one of cellular telephones, portable communication devices, personal digital

assistants, personal computers, and portable processor-based devices (column 9 lines

35 – 60 and Figure 8, Multer).

With respect to claim 6,

Multer discloses an apparatus for generating difference files, comprising: means

for identifying a first type of difference between an original file and a new file, wherein

the new file includes an updated version of the original file (column 4 lines 5 – 8,

Multer); means for generating a modified version of the original file using information of

the first type of difference (column 3 lines 26 – 32 and column 4 lines 13 – 18, Multer);

means for generating encoded differences between the modified version and the new

file, wherein the encoded differences include a second type of difference between the

original and the new files (column 4 lines 17 – 19 and column 5 lines 56 – 67, Multer);

means for encoding the information of the first type of difference (column 14 lines 9 –

26, Multer); and means for generating a difference file including the encoded differences

and the encoded information of the first type of difference (column 39 lines 29 – 65,

Multer).

With respect to claim 7,

    Multer discloses the apparatus of claim 6, further comprising means for

transferring the difference file to a remote system that hosts a copy of the original file,

the remote system updating the hosted copy of the original file using the difference file

(Figure 9B and column 4 lines 5 – 13, Multer).

With respect to claim 8,

    Multer discloses a method for generating difference files using a processor based

system, comprising: receiving an original file and a new file, wherein the new file

includes an updated version of the original file (Figure 6 and column 7 lines 29 – 44,

Multer); identifying a first type of difference between the original file and the new file

(column 4 lines 5 – 8, Multer); generating a modified version of the original file using

information of the first type of difference (column 3 lines 26 – 32 and column 4 lines 13

– 18, Multer); generating encoded differences between the modified version and the

new file, wherein the encoded differences include a second type of difference (column 4

lines 17 – 19 and column 5 lines 56 – 67, Multer); encoding the information of the first

type of difference (column 14 lines 9 – 26, Multer); and generating the difference file

including the encoded differences and the encoded information of the first type of

difference (column 39 lines 29 – 65, Multer).

With respect to claim 9,

　　　　Multer discloses the method of claim 8, further comprising: transferring the

difference file to at least one remote system (Figure 17) via at least one coupling,

wherein the remote system includes at least one processor-based system, wherein the

coupling includes at least one of a wireless coupling, a wired coupling, and a hybrid

wireless/wired coupling; and updating a hosted copy of the original file in the at least

one remote system using the difference file (column 5 lines 46 – 55, column 10 lines 49

– 55 and column 12 lines 58 – 64, Multer).

With respect to claim 10,

　　　　Multer discloses a method for updating electronic files hosted on remote systems

(Figure 9B), comprising: receiving an original file and a new file, wherein the new file

includes an updated version of the original file (Figure 6 and column 7 lines 29 – 44,

Multer); identifying a first type of difference between the original file and the new file

(column 4 lines 5 – 8, Multer); generating a modified version of the original file using

information of the first type of difference (column 3 lines 26 – 32 and column 4 lines 13

– 18, Multer); generating encoded differences between the modified version and the

new file, wherein the encoded differences include a second type of difference (column 4

lines 17 – 19 and column 5 lines 56 – 67, Multer); encoding the information of the first

type of difference (column 14 lines 9 – 26, Multer); generating a difference file including

the encoded differences and the encoded information of the first type of difference

(column 39 lines 29 – 65, Multer); and updating a hosted copy of the original file in the

remote systems using the difference file (column 4 lines 5 – 13, Multer).

With respect to claim 11,

Multer discloses the method of claim 10, wherein updating further comprises:

receiving the difference file (column 4 lines 8 – 9, Multer); reading the encoded

information of the first type of difference (column 4 lines 9 – 10, Multer); generating a

modified version of the original file using the encoded information of the first type of

difference (column 4 lines 11 – 12, Multer); and generating a copy of the new file using

the modified version of the original file and the encoded differences between the

modified version and the new file (column 14 lines 9 – 20, Multer).

With respect to claim 12,

Multer discloses a computer readable storage medium including executable

instructions which, when executed in a processing system (Figure 9A, 9B), generate a

difference file that includes coded differences between an original file and a new file by:

receiving the original and the new file, wherein the new file includes an updated version

of the original file (Figure 6 and column 7 lines 29 – 44, Multer); identifying a first type of

difference between the original file and the new file (column 4 lines 5 – 8, Multer);

generating a modified version of the original file using information of the first type of

difference (column 3 lines 26 – 32 and column 4 lines 13 – 18, Multer); generating

encoded differences between the modified version and the new file (column 4 lines 17 –

19 and column 5 lines 56 – 67, Multer); encoding the information of the first type of

difference (column 14 lines 9 – 26, Multer); and generating a difference file including the

encoded differences and the encoded information of the first type of difference (column

39 lines 29 – 65, Multer).

Conclusion

6.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Navneet K. Ahluwalia whose telephone number is 571-272-5636. The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam T. Hosain can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Navneet

Navneet K. Ahluwalia
Examiner
Art Unit 2166

MOHAMMAD ALI
PRIMARY EXAMINER

Dated: 06/01/2006